

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEVIN A. TOLLIVER, *et al.*,

Plaintiffs,

vs.

Civil Action 2:08-cv-00722

Judge Edmund A. Sargus, Jr.

Magistrate Judge E. A. Preston Deavers

TERRY COLLINS, Director

O.D.R.C., *et al.*,

Defendants.

ORDER

This matter is before the Court for consideration of the July 7, 2010, Report and Recommendation of the Magistrate Judge (Doc. 97). The Magistrate Judge, upon reviewing Plaintiff Tolliver's Motion for Summary Judgment (Doc. 19), Defendants' Motion for Summary Judgment (Doc. 75), and Plaintiff's Motion to Compel Discovery and Extend Time to Complete (Doc. 65), recommended that Plaintiff's Motion to Compel Discovery and Extend Time to Complete be granted and that the parties' motions for summary judgment be denied without prejudice to renewal upon the completion of discovery.


The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation, Doc. 97 at 14–15.) The time period for filing objections to the Report and Recommendation expired.

Plaintiff has not objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Plaintiff's Motion to Compel Discovery and Extend Time to Complete (Doc. 65) is **GRANTED**. Plaintiff Tolliver's Motion for Summary Judgment (Doc. 19) and Defendants' Motion for Summary Judgment (Doc. 75) are **DENIED WITHOUT PREJUDICE** to renewal upon the completion of discovery.

IT IS SO ORDERED.

8-6-2010
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE